



Kansas Department of Health and Environment

Long Term Care Program

FACT SHEET II

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January 2002

Fact Sheet II is published by the Kansas Department of Health and Environment and sent to all assisted living, residential health care, adult day care and home plus facilities. This newsletter provides important up-to-date information concerning the health care industry.

Semi-Annual Report and Annual Resident Statistical Report

Enclosed with this *Fact Sheet* is the Long Term Care Semi-Annual Report for the six month reporting period from July 1, 2001 through December 31, 2001. **The deadline for filing this report is January 15, 2002.** The report forms are forwarded to the School of Social Welfare at the University of Kansas. Staff at KU compile the data and publish a report which is available to state agencies and the public. It is very important that the information provided be accurate. There has been a significant increase in the use of the reports by the public. Administrators and operators are responsible for ensuring the reports are accurate and submitted on time.

Sandra Dickison is the staff person within the bureau responsible for managing the reports. If you have any questions, please contact Sandra at (785) 296-1245.

Adult Care Regulations Amended

Several regulations for Adult Care Homes were amended effective November 26, 2001. The amended regulations are attached to this issue of the FACT SHEET II. Please insert the new pages in the facility's regulation book and remove the outdated pages. The amendment related to dietetic services supervisor definition affects assisted living and residential health care facilities.

Regulation Interpretations

In response to issues raised at a recent training, three regulation interpretations have been developed related to the negotiated service agreement, health services plan and refusal of a service. The regulations for assisted living, residential health care, home plus and adult day care were written with the guiding principles of resident choice, individuality, autonomy, dignity and privacy. The negotiated service agreement was meant to be a collaborative process between the resident and facility staff. It is very important that residents and their legal representatives understand the services to be provided, who will provide the service and the entity responsible for payment.

Some facilities have used the risk agreement process or refusal of a service as a means to relieve the facility of responsibility for the health and safety of the resident. It has been noted that some facilities have family members sign a risk agreement stating that they know the resident wanders and the facility does not have a system to control the exit doors. KAR 28-39-277(a)(4) states that the facility shall not admit a resident whose behavioral symptoms exceeds manageability.

Skilled Nursing in Assisted Living/ Residential Health Care Facilities

It is very important that facilities admit and retain only those residents they can provide services to. Some assisted living/residential health facilities are admitting residents after a hospital stay which would qualify the resident for Medicare skilled nursing. Admitting or readmitting residents who are in need of skilled care such as pressure ulcer care or rehabilitation following a fracture exceeds the statutory definition of nursing care which can be provided in this level of care. K.S.A.39-923(a)(1) states that "The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided in an **intermittent or limited term basis, or if limited in scope, a regular basis.**" Persons in need of rehabilitation following a fracture or serious illness often need skilled nursing care twenty four hours a day and therapy services. It is a disservice to these individuals to admit or readmit them to a facility which cannot provide the level of services which could assist them to return to their highest practicable level of functioning.

State Fire Marshal's Office Requirements

The Kansas State Fire Marshal's Office (KSFMO) is responsible for enforcing the Life Safety Code in Kansas health care facilities. All new proposed facilities, remodeling of existing health care facilities, and changes in occupancy uses must meet Life Safety Code requirements.

KSFMO requires the owner/operator to contract with a Kansas Licensed Architect or Engineer to provide a "code footprint" compliance document. The "code footprint" will provide information about the Fire and Life Safety aspects of the building. It is very important that the KSFMO is provided a code footprint prior to construction, remodeling or change in use of a health care facility. Please contact Patricia Thorson at 785-296-3401 for further information.

OSHA Needle Stick Prevention Initiative

The bureau has received a number of phone calls concerning the new needle stick prevention standards for employers. OSHA has posted information on this new standard on their website. The website address is <http://www.osha.gov/media/oshnews/may01/national-20010509.html>.

Myrt Heronime Retires

Myrt Heronime, the Complaint Intake Specialist in the bureau's Complaint Program, retired December 14, 2001 after 10 years of service on the bureau's Complaint Hotline. The Bureau will miss Myrt but we congratulate her on her retirement and wish her well.

Carolyn Anderson, RN, started with the bureau November 26, 2001 and will be taking Myrt's place as our Complaint Intake Specialist.

Mental Health/Residential Facilities Program Update (New article) **by Gary Ingenthron, Director, MH/RF Program**

This marks the beginning of regular appearing columns written to provide information relating to surveys and related activities of the Mental Health and Residential Facility (MH/RF) Program within KDHE, Bureau of Health Facilities.

Gary Ingenthron is the director of the MH/RF Program. Joleen Morris is the Regional Manager for the program and she supervises the day-to-day survey program activities. Currently, there are ten surveyors plus a combined Quality Improvement/Surveyor position held by Helen Shewey. Our surveyors are: Denise Brull,

Marianne Cameron, Susan Etzel, Michael Graves, Floyd Reynolds, Cheryl Shepherd, Jacqueline Smith, Karla Vaughn, Doris Weingartner, and Mary Ann Wendel.

In addition to performing all types of licensing and complaint surveys for Assisted Living, Residential Health Care, Home Plus, Adult Day Care, and Boarding Care facilities, the MH/RF Program performs the same surveys plus certification for Nursing Facilities for Mental Health and Intermediate Care Facilities for Persons with Mental Retardation.

In this column, the MH/RF Program would like to formally announce an activity of which many of you have knowledge, the formulation and meeting of a discussion group. Proposed at the KDHE Nursing Home Summit in May, 2001, this group has met three times (September 26, November 1 and December 13). The purposes of this group are contained on Attachment I of this *Fact Sheet II*. The discussion group consists of volunteers and one of their roles is to act as direct liaison communicators to you. Each discussion group member has agreed to make contact with facilities in specified counties of the state. The representatives and their counties are contained in Attachment II. Please contact them if you have not been contacted.

Finally, through this article, the MH/RF Program will provide data from completed surveys, (see Attachment III) which cites the most frequently occurring regulations found in noncompliance by facility type in each calendar year (calendar year 2000).

The staff of the MH/RF Program hopes you find this article helpful. If you have any questions or concerns about the information presented or about this program, please feel free to contact Gary Ingenthron, Director, MH/RF Program, (785) 296-1253.

Bureau of Health Facilities Staff

The listing below was developed to assist providers in reaching the appropriate staff person when they call the bureau. Please provide this listing to your staff.

<p>Licensure and Certification Program</p> <p>Questions related to licensure and certification</p> <p>Medicare certification and change of ownership, change of resident capacity</p> <p>Licensure, letters of intent, licensure forms, change of ownership, change of administrator</p> <p>Long Term Care Enforcement</p>	<p>Greg Reser, Director, (785) 296-1260 greser@kdhe.state.ks.us</p> <p>Tamara Wilkerson (785) 296-1263; twilkers@kdhe.state.ks.us</p> <p>Rita Bailey, (785) 296-1259; rbailey@kdhe.state.ks.us</p> <p>Debra Dennon-Mapes, (785) 368-7055; ddennon@kdhe.state.ks.us</p>
<p>Long Term Care Program</p> <p>Policies and regulations related to the operation of nursing facilities, LTC units in hospitals, assisted living/residential health care facilities, home plus, adult day care, home health agencies and hospice</p> <p>Resident Assessment Instrument (RAI) and Outcomes and Assessment Information Set, training schedule for MDS, RAP's and care-planning, (OASIS). Questions related to who can complete the MDS and OASIS, submission schedules and clarification of operational definitions of assessments items</p>	<p>Patricia Maben, (785) 296-1240 pmaben@kdhe.state.ks.us</p> <p>Kay Jenista, (785) 291-3552 kjenista@kdhe.state.ks.us</p>

Standards of practice for nutrition and hydration of patients and residents, sanitation and organization of kitchens in health care facilities, survey process related to nutrition, hydration and sanitation. Questions related to the practice of licensed dietitians and dietary managers. Issues related to semi-annual reports and statistical reports.	Sandra Dickison, (785) 296-1245 sdickiso@kdhe.state.ks.us
Questions related to the physical environment of current and proposed health care facilities and changes in the use of a required room or area	Lyle Adams, (785) 296-1247 ladams@kdhe.state.ks.us
Mental Health/Residential Facility Program	
Nursing facilities for Mental Health, Intermediate Care facilities for the Mentally Retarded, Assisted Living/Residential Health Care facilities, Home Plus, Boarding Care facilities, and Adult Day Care issues related to surveys	Gary Ingenthron or Joleen Morris (785) 296-1253 (Gary) (785) 296-1269 (Joleen) gingenthron@kdhe.state.ks.us jmorris@kdhe.state.ks.us
Health Occupations Credentialing	
Adult care home administrators, dietitians, speech language pathologists, audiologists initial license, license renewal, reinstatement and verification	Brenda Nesbitt, (785) 296-0061 bnesbitt@kdhe.state.ks.us
Health Occupations Credentialing Act	Marla Rhoden, (785) 296-6647 mrhoden@kdhe.state.ks.us
Nurse Aide training courses, sponsorship programs, course approvals, continuing education approval for licensees	Dolores Staab, (785) 296-6796 dstaab@kdhe.state.ks.us
Test scheduling for nurse aides or challenging a nurse aide test with higher education	Betty Domer, (785) 296-1250 bdomer@kdhe.state.ks.us
Medication aides	Stephenie McCown, (785) 296-0060 smccown@kdhe.state.ks.us
Instructor approval/aide courses, interstate or reciprocity for aides	Fran Breedlove, (785) 296-0059 (after 3:00 pm) fbreedlo@kdhe.state.ks.us
Test for adult care home administrators, education policies	Martha Ryan, (785) 296-0058 mryan@kdhe.state.ks.us
Criminal record check program	Steve Irwin, (785) 296-8628 sirwin@kdhe.state.ks.us

ABC's of Long Term Care

Representatives from the Kansas Department of Health and Environment, Kansas State Fire Marshal's office, Kansas Department on Aging and Kansas Department of Social and Rehabilitation Services will provide a workshop to providers of long term care in Kansas. The workshops are intended to provide an opportunity for agency staff to share information with current and potential providers on federal and state regulations and programs related to long term care services for adults in Kansas. Participants will have the opportunity to talk about their specific needs individually with agency staff. The attached workshop announcement includes a list of topics to be covered.

The first workshop is planned for March 12 in Topeka. Two sessions will be offered. There will be a limit of 45 attendees at each session. Information about the March 12th meeting is included with this issue of the *FACT SHEET*. Based on the response to the format of the workshop and the number of attendees, plans will be made to hold similar workshops in the Wichita, Kansas City, western Kansas and southeast Kansas areas in the following months. Information about upcoming workshops will be posted on KDHE and KDOA websites.

Resources for Quality Care

- *Finger Foods for Independence* by Dr. Alan Stewart and Lois Newton provides guidelines and recipes for persons with Alzheimer's disease who cannot manage forks and spoons. There are recipes and guidance to create choice and dignity at mealtime for persons who have difficulty with self-feeding.
- LaDuke, S. Terminal Dyspnea & Palliative Care/*American Journal of Nursing*, 2001; 101(11):26-31. The author discusses treatment of dyspnea for patients at end of life. She states that "Patient deaths are inevitable, 'bad deaths' - those accompanied by severe suffering - are not."
- Forbes, S. "This is Heaven's Waiting Room: End of Life in One Nursing Home." *Journal of Gerontological Nursing*, 20/01; 27(11):37- 45. Sara Forbes is Assistant Professor at the University of Kansas School of Nursing. She has been an active participant in the LIFE Project. This article provides information on issues related to end of life care in a nursing facility.
- Dementia Staff Training - In 1999 the Dementia Training Initiative was formed. Representatives from the three Kansas chapters of the Alzheimer's Association, Kansas Association of Homes and Services for the Aging, Kansas Health Care Association, Kansas Advocates for Better Care, the Office of the Long Term Care Ombudsman, Kansas Department on Aging and other health representatives met to find a way to improve the quality of care for persons with dementia.

The manual "For Those Who Take Care" by Barbara Helm, M.A. and David R. Wekstein, Ph.D. was selected as a primary resource. Barbara Helm presented two train the trainer courses in Kansas in July of 2000. Over 1000 direct care staff have attended trainings based on the manual. The Alzheimer's Disease Education and Referral Center distributes the manual. The cost of the manual is \$30.00. Orders can be placed by contacting the following:

Heartland Chapter
3846 W. 75th St.
Prairie Village, KS 66208
(913)831-3888

Sunflower Chapter
347 S. Laura
Wichita, KS 67211
(316)267-7300

Topeka Chapter
515 S. Kansas Ave., St. B-2
P.O. Box 1427
Topeka, KS 66601
(785) 234-2523

- A nationally accepted guide facilities may use when writing their menus is the **Food Guide Pyramid for 70+ Adults**. A narrative of why the pyramid was adapted for 70+ adults is included.
<http://www.nutrition.tufts.edu> Type the words Modified Food Pyramid for Mature (70+) Adults in the search box
- Download or order **Nutrition/ Hydration campaign** information: <http://www.nmep.org> At this site, click on partner information, then click on educational resources, then click on nutrition/hydration fact pac. You can order free materials, download training materials or get an overview of the campaign.

ANE ISSUE STATISTICS 9/01/01 to 11/30/01
Hotline Calls Assigned for Investigation

<u>ANE Investigations</u>		<u>Care Issues Investigated</u>	
Total	507	Total	394
Sept	168	Sept	129
Oct	168	Oct	143
Nov	171	Nov	122

*Licensure Category

	Correction Orders			
	2001 Quarters			
	1 st	2 nd	3 rd	4 th
Inadequate Range of Motion (ROM) Services	0	0	2	
Inadequate Inservice Education	0	0	2	
Disaster Preparedness	0	0	1	
Inadequate Policies & Procedures for Special Care Unit (SCU)	0	0	1	
Inadequate supervision	2	2	0	
Inadequate or inappropriate hygiene and skin care	3	2	0	
Inadequate or unqualified staffing	2	5	2	
Unsafe medication administration or storage	4	3	4	
Inadequate or inappropriate dietary/nutritional services	3	1	2	
General sanitation and safety	1	2	10	
Inadequate accounting of funds	1	0	1	
Inadequate administration	3	2	1	
Other:				
ANE issues	2	3	4	
Inappropriate admissions	1	1	1	
Resident Functional Capacity Screen	3	3	3	
Negotiated Service Agreement	8	4	7	
Health Care Services	6	3	4	
Inadequate documentation of resident records	1	1	0	
Civil Penalties	7	1	4	
Correction Orders	19	8	13	
Bans on Admission	8	8	7	

*A correction order or civil penalty may consist of multiple issues summarized within the licensure categories above.

FEDERAL REMEDIES -CATEGORIES 2 & 3 - 2001 Quarters

	1 st	2 nd	3 rd	4 th
Civil Monetary Penalties Recommended	11	6	12	
Denial of Payment for New Admissions Imposed	30	21	13	
Terminations	1	1	0	
NOTC	36	28	9	

ABC'S OF PROVIDING LONG TERM CARE IN KANSAS

The Department on Aging and the Department of Health and Environment will hold a meeting for current and potential providers of long term care services. The purpose of this meeting is to provide an opportunity for agency staff to share with potential and current providers information about regulations and programs related to long term care services for adults in Kansas.

Topics will include the following:

- How to apply for a license to operate an adult care home or home health agency. Adult care homes include nursing facilities, assisted living/residential health care facilities, home plus and adult day care.
- Life safety code requirements for new facilities and when remodeling an existing facility.
- How to enroll for Medicare/Medicaid certification.
- Providing adult day care, dementia care or respite care in a licensed adult care home.
- Preadmission Screening and the CARE program in Medicaid certified nursing facilities and distinct part units of hospitals.
- Home and Community Based Services waiver program
 - What is HCBS/FE?
 - What services may be provided under HCBS/FE?
 - Who can be a HCBS provider and how do you enroll in the program?
- Kansas Medicaid program in nursing facilities and distinct part units of hospitals

TARGET AUDIENCE: Persons considering seeking licensure and/or certification as a provider of long term care services and current providers

ENROLLMENT: Limited to 45 persons per session. Pre enrollment is requested.

PLACE: Topeka-Shawnee County Public Library Auditorium, 10th & Washburn, Topeka.
Parking located to the south of library off Washburn Ave.

DATE: March 12, 2002

TIME: **Session I 9:00 AM to 12:00 Noon** **Session II 1:00 PM to 4 PM**

N Enrollment Form N

ABC'S OF PROVIDING LONG TERM CARE IN KANSAS

Name _____

Address _____

Day-time phone number _____

' Current provider " Potential provider

TYPE OF LICENSURE - CHECK ALL THAT APPLY.

- " Nursing facility
- " Home Health Agency
- " Home Plus
- " Assisted Living/Residential Health Care
- " Adult Day Care

AREAS OF INTEREST - CHECK ALL THAT APPLY.

- _____ How to apply for a license
- _____ Preadmission screening & CARE Program
- _____ Life Safety code requirements for health care facilities
- _____ Home & Community Based Serv Waiver Program
- _____ How to enroll for Medicare/Medicaid certification
- _____ Kansas Medicaid Program
- _____ Providing adult day care, respite care or dementia care in an adult care home

INDICATE SESSION:

" **Session I 9:00 AM to 12 Noon** " **Session II 1:00 PM to 4:00 PM**

PLACE: Topeka-Shawnee County Public Library Auditorium, 10th & Washburn, Topeka.
 Parking located to the south of library off Washburn Ave.

DATE: March 12, 2002

**f RETURN THIS ENROLLMENT FORM TO TAMARA WILKERSON,
CERTIFICATION COORDINATOR, BHF, KDHE, 1000 SW JACKSON, STE 330,
CURTIS STATE OFFICE BUILDING, TOPEKA, KS 66612-1365f**

PURPOSES OF THE LICENSED ONLY DISCUSSION GROUP



- g **Increase** communication avenues between survey agency staff, provider community, advocates and consumers.
- g **Adjust** survey process and procedure to eliminate duplication and unnecessary efforts.
- g **Support** provider community as experts and reinforce best practices and partnershiping.
- g **Support** sharing of best practices among provider community.
- g **Explain** regulation requirements clearly and concisely to requests of provider community, advocates and consumers.
- g **Facilitate** reduction of survey time and maximize use of limited survey resources.
- g **Identify** areas of discussion needed to support regulation compliance and quality service delivery for the citizens of Kansas.

ATTACHMENT I

**LICENSED ONLY DISCUSSION GROUP
VOLUNTEER COUNTY CONTACTS**

Shirley Allenbrand
Sweet Life at Shawnee
11400 W 65th St,
Shawnee, KS 66203
(913) 248-1500

Atchinson
Leavenworth
Wyandotte

Gary Aull, Operator
Assisted Lifestyles
625 Lincoln St
Olathe, KS 66061-2501
(913) 829-6920

Franklin
Johnson
Miami

David Fisher
Wellington Place
924 S Washington
Wellington, KS 67152
(620) 326-7100

Cherokee
Cowley
Kiowa
Pratt
Sherman
Sumner

George Gatchett
St. Johns Rest Home Corp
2225 Canterbury
Hays, KS 67601
(785) 628-8742

Ellis
Russell

Linda Gray, President
ALFKAN
PMB 318
6021 SW 29th St, Ste A
Topeka KS 66614
(785) 272-0839

Bourbon
Dickinson
Douglas
Jackson
Jefferson
Lyon
McPherson
Pottawatomie
Riley
Seward
Shawnee

Gwen Lohmeyer, Operator
Hilltop
131 W 14th St
Lyndon KS 66451
(785) 828-3111

Allen
Anderson
Coffey
Graham
Linn
Morris
Osage
Smith

Marla Lopeman, VP, Operations
Alterra Hlth Care, Central Div
8100 E 22nd St North, Ste 103
Bldg 800
Wichita KS 67226
(316) 684-8300

Butler
Crawford
Greenwood
Labette
Montgomery
Neosho
Sedgwick
Wilson

Kay Lydick, Administrator
Cherry Creek Retirement
8200 E Pawnee
Wichita KS 67207
(316) 684-0905

Reno
Stafford

Rosalie Meybrunn, Operator
Good Shepherd Villages, Inc
613 Third St
Summerfield KS 66541
(785) 244-6546

Cloud
Geary
Marshall
Mitchell
Nemaha
Osborne
Ottawa

Elaine Riley
Hutchinson Homestead
1700 E 23rd St
Hutchinson KS 67502
(620) 662-4114

Barton
Finney
Ford
Harvey
Kearney

Debra Zehr
KAHSA
217 SE 8th
Topeka 66603
(785) 233-7443

Grant

ATTACHMENT II

**July 1, 200 - September 30, 2001
Most Prevalent Deficiency Data
Free-Standing Facilities**

(not this one but similar)

ALF	RHCF	HP	ADC	BCH
28-39-	28-39-	28-39-	28-39-	28-39-
244 (a)	244 (a)	430 (a)	275 (a)	401 (a)
NSA	NSA	HCS	STR	ADM
31	23	5	3	3
240 (f)	243 (b)	432 (c)	278 (a)	403 (b)
STR	FCS	EP	FCS	MED
28	21	5	3	2
250 (e) (10)	240 (f)	435 (c)	279 (e)	405 (a)
RR	STR	HHS	NSA	MENU
26	18	5	3	2
244 (e)	249 (a)	436 (c)	284 (c)	409 (a)
NSA	STFF	MED	EHS	EMG
25	18	5	3	2
249 (a)	253 (a)	436 (h)	288 (b)	
STF	IC	DRGR	INFC	
21	18	5	3	
244 (i)	247 (h)	427 (a)	282 (b)	
NSA	DRGR	FCS	MED	
19	15	4	2	
246 (a)	244 (e)	428 (c)	283 (b)	
HCS	NSA	LNSA	SDEV	
18	12	4	2	
246 (d)	246 (a)	432 (b)	282 (b)	
NSA	HCS	EMP	MED	
17	12	4	2	
243 (a)	243 (g)	433 (a)	283 (b)	
FCS	FCS	ENV	SDEV	
16	11	4	2	
247 (h)	246 (e)	433	284 (d)	
DRR	DELG	IC	STB	
15	11	4	2	
253 (b) (5)	250 (e) (10)		286 (c)	
IC	RR		EMG	
15	11		2	
			286 (d)	
			EMG	
			2	